

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ADAM C. JOHNSTON

Petitioner,

-v-

JASON BUNTING, Warden,

Respondent.

Case No. C-3:14-cv-074

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING JOHNSTON'S OBJECTIONS (Doc. #6) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #5); OVERRULING JOHNSTON'S SUPPLEMENTAL OBJECTIONS (Doc. #9) TO THE MAGISTRATE JUDGE'S SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Doc. #8); ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Docs. #5 and #8) IN THEIR ENTIRETY; DISMISSING JOHNSTON'S PETITION FOR A WRIT OF HABEAS CORPUS WITH PREJUDICE; DENYING A CERTIFICATE OF APPEALABILITY; DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*; AND TERMINATING THIS CASE

This matter comes before the Court pursuant to pro se Petitioner Adam C. Johnston's ("Johnston's") Objections (doc. #6) to Magistrate Judge Michael R. Merz's Report and Recommendations (doc. #5) and Johnston's Supplemental Objections (doc. #9) to Magistrate Judge Merz's Supplemental Report and Recommendations (doc. #8). Magistrate Judge Merz performed an initial review of Johnston's §2254 Motion and found that it was barred by the statute of limitations. Magistrate Judge Merz's Report and Recommendations and Supplemental Report and Recommendations both recommend that the §2254 case filed by Johnston be dismissed with prejudice and that Johnston be denied a certificate of appealability and leave to appeal *in forma pauperis*.

The time has run and the Warden has not responded to either of Johnston's Objections. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Johnston's Objections to the Magistrate Judge's Report and Recommendations and Johnston's Supplemental Objections to the Magistrate Judge's Supplemental Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations are adopted in their entirety.

Johnston's §2254 Motion is denied with prejudice. Further, Johnston is denied a certificate of appealability and leave to appeal *in forma pauperis*. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-First Day of April, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Adam C. Johnston at his last address of record